

## REMARKS

### I. Provisional election.

Claims 1-42 are pending in the present application and have been respectfully subjected to a restriction requirement.

This election is being made with traverse and without prejudice to Applicants' rights with respect to any of the claims, including the right to file divisional applications thereon.

Applicants hereby provisionally elect Species 1, drawn to:

“A device having the combination of:

a stationary portion having at least a first laser radiation source and at least a first optical detector;

a rotatable portion that is rotatable with respect to the stationary portion; and

at least a first optical fiber system for optically interconnecting the first laser radiation source and the first optical detector with an emission end of the first optical fiber system, the emission end disposed on the rotatable portion for emitting laser radiation to the remote target and for receiving laser radiation reflected from the remote target, wherein an emission direction of the laser radiation is controlled according to the rotation of the rotatable portion.”

Applicants respectfully note that claims 1-20 are readable on the provisionally elected species.

Applicants also respectfully note that no "serious burden" is present in examining the small number of claims 21-42 related to the non-elected species in addition to the claims of the provisionally elected species, and cite the following:

#### 803 Restriction - When Proper

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - § 806.05(i)).

If the search and examination of an entire application can be made *without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.*

II. Conclusion.

The foregoing is fully responsive to the Office Action.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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